

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FILED
CLERK
2010 JUL 22 1:10:16
EX-311-1000

ADJUSTACAM LLC,

Plaintiff,

v.

Case No: 6:10-CV-329-LED

AMAZON.COM, INC.;
AUDITEK CORPORATION;
BALTIC LATVIAN UNIVERSAL
ELECTRONICS, LLC D/B/A BLUE
MICROPHONES, LLC D/B/A BLUE
MICROPHONE;
BLUE MICROPHONES, LLC;
CDW CORPORATION F/K/A CDW
COMPUTER CENTERS, INC.;
CDW, INC.;
CDW, LLC;
COMPUSA.COM, INC.;
COBRA DIGITAL, LLC;
CREATIVE TECHNOLOGY LTD.;
CREATIVE LABS, INC.;
DELL, INC.;
DIGITAL INNOVATIONS, LLC;
EASTMAN KODAK COMPANY;
EZONICS CORPORATION D/B/A EZONICS
COPORATION USA D/B/A EZONICS;
FRY'S ELECTRONICS, INC.;
GEAR HEAD, LLC;
GENERAL ELECTRIC COMPANY;
HEWLETT-PACKARD COMPANY;
INTCOMEX, INC.;
JASCO PRODUCTS COMPANY LLC D/B/A
JASCO PRODUCTS COMPANY D/B/A
JASCO;
JWIN ELECTRONICS CORPORATION;
KLIP XTREME LLC;
KMART CORPORATION;
LIFEWORX TECHNOLOGY GROUP, LLC;
MACALLY PERIPHERALS, INC. D/B/A
MACALLY U.S.A;

MACE GROUP, INC.;)
MICRO ELECTRONICS, INC. DBA MICRO,)
CENTER;)
NEW COMPUSA CORPORATION;)
NEWEGG, INC.;)
NEWEGG.COM, INC.;)
OFFICE DEPOT, INC.;)
OVERSTOCK.COM, INC.;)
PHOEBE MICRO INC.;)
PROLYNKZ, LLC;)
RADIOSHACK CORPORATION;)
ROSEWILL INC.;)
SEARS BRANDS, LLC;)
SEARS HOLDINGS CORPORATION D/B/A)
SEARS)
SEARS, ROEBUCK AND COMPANY;)
SAKAR INTERNATIONAL, INC.;)
SAKAR, INC.;)
SDI TECHNOLOGIES, INC.;)
SOFTWARE BROKERS OF AMERICA INC.)
DBA INTCOMEX CORPORATION D/B/A)
INTCOMEX;)
SYSTEMAX, INC. D/B/A COMPUSA;)
TARGET CORP.;)
TIGERDIRECT, INC.;)
TRIPPE MANUFACTURING COMPANY)
D/B/A TRIPP LITE; AND)
WAL-MART STORES, INC.,)
)
Defendants.)
)

APPLICATION FOR DAVID W. DENENBERG TO APPEAR PRO HAC VICE

1. This application is being made for case no. 2:09-cv-00219-TJW, styled *Adjustacam LLC v. Amazon.com, Inc., et. al.*

2. The applicant, David W. Denenberg, is a member of the firm Davidoff Malito & Hutcher, LLP, which represents defendants Systemax, Inc, CompUSA.com, Inc., and TigerDirect, Inc.

3. Mr. Denenberg was admitted to practice in New York in December 1988 and in New Jersey in January 1989.

4. Mr. Denenberg is in good standing and is otherwise eligible to practice law before this court.

5. Mr. Denenberg is not currently suspended or disbarred in any other court.

6. Mr. Denenberg has not had an application for admission to practice before another court denied.

7. On September 18, 2006, Mr. Denenberg was suspended from the practice of law for three months in New York after pleading guilty to a violation of New York State Election Law § 17- 122(7), a misdemeanor. Specifically, Mr. Denenberg was charged with carelessly stating on a nominating petition for a local party election that persons signed the petition in front of him, but this was not accurate. (Exhibit A). In short, Mr. Denenberg admitted he was careless when he stated, in a nominating petition for a local party election, that he was present when certain signatures were affixed to the petition. He learned after the petition was submitted that this was not accurate. Mr. Denenberg pled guilty to an election law violation, a misdemeanor, and was sentenced to two mandatory court surcharges and a conditional discharge.

Based upon his conviction, the New York disciplinary authorities brought a proceeding. The hearing panel, who heard the disciplinary case, recommended to the Appellate Division, First Department, that Mr. Denenberg be censured. This recommendation was based upon the fact that his misconduct involved carelessness and not intentional conduct. The hearing panel also considered extraordinary mitigation evidence, including character evidence and significant public service. The disciplinary prosecutor also recommended to the court that Mr. Denenberg be censured. Inexplicably, the Appellate Division issued a three-month suspension. (Exhibit A).

At the time of his suspension, Mr. Denenberg was admitted in New York, New Jersey, numerous federal courts and the United States Patent and Trademark Office (“USPTO”). New Jersey did not suspend Mr. Denenberg. (Exhibit B). Each of the other courts suspended Mr. Denenberg based on the New York suspension for the concurrent period of time and automatically reinstated Mr. Denenberg when the New York suspension was completed. The USPTO and the District Court of Colorado required a formal application which was submitted.

8. Mr. Denenberg has not been disciplined by a court or Bar Association or committee thereof that would reflect unfavorably upon applicant’s conduct, competency or fitness as a member of the Bar.

9. Mr. Denenberg has had no other criminal charges, arrests or convictions for criminal offenses filed against him.

10. There are no pending grievances or criminal matters pending against Mr. Denenberg.

11. Mr. Denenberg has been admitted to practice in the following courts:

- a. United States District Courts:
 - (i) Eastern District of New York;
 - (ii) Southern District of New York;
 - (iii) District of New Jersey; and
 - (iv) District of Colorado;
- b. United States Court of Federal Claims; and
- c. United States Court of Appeals for the Federal Circuit.

12. Mr. Denenberg has read and will comply with the Local Rules of the Eastern District of Texas, including Rule AT-3, the "Standards of Practice to be Observed by Attorneys."

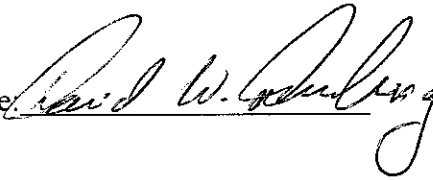
13. Mr. Denenberg includes the requisite \$100 fee (Local Rule AT-1(d)).

14. Mr. Denenberg understands that he is being admitted for the limited purpose of appearing in the case specified above only.

APPLICATION OATH:

I, David W. Denenberg, do solemnly swear that the above information is true; that I will discharge the duties of attorney and counselor of this court faithfully; that I will demean myself uprightly under the law and the highest ethics of our profession; and that I will support and defend the Constitution of the United States.

Date: July 21, 2010

Signature: 

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
APPLICATION TO APPEAR PRO HAC VICE (Continued)

Name (please print) David W. Denenberg
State Bar Number 2222149
Firm Name: Davidoff Malito & Hutcher LLP
Address/P.O. Box: 200 Garden City Plaza, Suite 315
City/State/Zip: Garden City, NY 11530
Telephone #: (516) 248-6400
Fax #: (516) 248-6422
E-mail Address: dwd@dmlegal.com
Secondary E-Mail Address: ddenenberg@nassaucounty.ny.gov

Applicant is authorized to enter an appearance as counsel for the party/parties listed above. This

application has been approved for the court on: 7/22/10



David Maland

David J. Maland, Clerk
U.S. District Court, Eastern District of Texas

By MLL
Deputy Clerk

Receipt for Payment

Receipt No.: 6-1-0022206

United States District Court

for the

Eastern District of Texas at Tyler

Date: **Thursday, July 22, 2010**

Received from:

**DAVIDOFF, MALITO & HUTCHER LLP
200 GARDEN CITY PLAZA
SUITE 315
GARDEN CITY, NY 11530**

<u>Account</u>	<u>Amount</u>
6855XX	\$100.00
Total	\$100.00

<u>Account</u>	<u>Description</u>
085000	- Attorney Admission Fees
086400	- New Case Fee
086900	- Filing Fees
121000	- Conscience Fund
129900	- Gifts
143500	- Interest
322340	- Sale of Publications
322350	- Copy Fees
322360	- Miscellaneous Fees
322380	- Recoveries of Court Costs
322386	- Cost of Prosecution
504100	- Crime Victims Fund
508800	- Immigration Fees
510000	- Civil Filing Fee (1/2)
5100PL	- Partial Filing Fee (PLRA)
510100	- Registry Fee
604700	- Registry Funds/General and Special Funds
613300	- Unclaimed Monies
6855XX	- Deposit Funds

Payment method: **Check**
Case or other reference: **6:10-CV-329**
Comments: **PHV APPLICATION FOR DAVID DENENBERG
CHECK #2125**

Received by: gg